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10/051,594	01/18/2002	H. Brock Kolls	USE-673US	3298
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/051,594	Applicant(s) KOLLS, H. BROCK	
	Examiner Mary Cheung	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-82 is/are pending in the application.
- 4a) Of the above claim(s) 68-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the response filed on September 7, 2007. Claims 42-82 are pending. Claims 68-82 are withdrawn from consideration. Claims 42-67 are examined.

Response to Arguments

2. Applicant's arguments filed September 7, 2007 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Tognazzini (US 6,295,482 B1) fails to teach or is silent about "a wireless system for data communicating cashless vending transaction data and vending machine audit data to remote locations", and "said VIU data communicates wirelessly with said remote location by way of said base unit", examiner respectfully disagrees. The limitations are taught by Tognazzini as a user computing device including a PDA communicates with an electronic vending machine (column 5 lines 17-25, 49-53), and the vending machine comprising a transmitter that the user computing device can communicate with the vending machine through the transmitter (column 5 lines 54-63). Since the user computing device can be a PDA or a portable laptop (column 5 lines 17-25) and the user device can be linked wirelessly (column 3 lines 19-20), Tognazzini's teaching would satisfy the limitations "wireless" and "remote location" in applicant's claims.

3. Since Applicant(s) did not seasonably traverse the Official Notice statements regarding claims 43, 50-51, 56, 59-60 and 64 as stated in the previous Office Action

(mailed on June 5, 2007), the Official Notice statements are taken to be admitted prior art. See MPEP §2144.03.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 42, 47-49, 52-53, 55, 57-58 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Tognazzini, US 6,295,482 B1.

As to claim 42, Tognazzini teaches a wireless system for data communicating cashless vending transaction data and vending machine audit data to remote locations comprising (column 3 lines 3-20):

- a) a vending machine controller interconnected with a vending machine, said vending machine controller further comprising a plurality of peripheral device interfaces (column 6 lines 24-46 and Figs. 2A-2B);
- b) a vending interface unit (VIU) interconnected with at least one of said plurality of peripheral device interfaces, said VIU effectuates cashless vending transactions and obtains vending machine audit data from said vending machine controller, said VIU further comprising a first transceiver (column 3 lines 3-11 and column 6 lines 24-59 and column 7 lines 4-12 and Figs. 2A-2B);

c) a base unit, said base unit further comprising a second transceiver, wherein said first transceiver and said second transceiver wirelessly data communicate, said base unit further comprising a communication interface for data communicating with a remote location (column 5 lines 15-63 and Figs. 1A-2B);

d) wherein said VIU data communicates wirelessly with said remote location by way of said base unit (column 3 lines 12-20 and column 5 lines 49-63).

As to claim 47, Tognazzini teaches the remote location is at least one of the following: credit bureau; a network center; a global network based data processing resource; or USALIVE (column 1 line 67 – column 2 line 25 and column 3 lines 12-20).

As to claim 48, Tognazzini teaches said communication interface is at least one of the following: a modem interface; a network connection; an interactive interface; a serial interface; or a wireless interface (column 1 line 67 – column 2 line 25 and column 3 lines 12-20).

As to claim 49, Tognazzini teaches said wireless interface is an interface to at least one of the following wireless devices: PCS network data modem; cellular network data modem; CDPD modem; CDMA modem; 2G wireless modem; 3G wireless modem; or RIM data modem. (column 1 line 67 – column 2 line 25).

As to claim 52, Tognazzini teaches more than one of said VIU data communicates with said base unit (abstract).

As to claim 53, Tognazzini teaches the VIU wirelessly programs said base unit (column 9 lines 6-16).

As to claim 55, Tognazzini teaches the peripheral device interface is at least one of the following: a multi-drop-bus (MDB) interface; a coin acceptor interface; a bill acceptor interface; a serial interface; or a data exchange (DEX) interface (Fig. 2A-2B).

As to claim 57, Tognazzini teaches data communication between said base unit and said remote location is effectuated with a phone line (column 5 line 64 – column 6 line 5).

As to claim 58, Tognazzini teaches data communication between said base unit and said remote location is effectuated with a network connection (column 5 line 64 – column 6 line 5).

Claim 63 is in parallel with the limitations presented in claims 42 and 55, thus, it is rejected on the same basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 43, 50-51, 56, 59-60 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Official Notice.

As to claims 43 and 64, Tognazzini teaches the first transceiver and the second transceiver as discussed above. Tognazzini does not specifically teach said first transceiver, and or said second transceiver is at least one of the following types of transceiver: a single channel transceiver; a dual channel transceiver; a spread spectrum

transceiver; a single channel transceiver in the 430Mhz range; a dual channel transceiver in the 430Mhz range; a spread spectrum transceiver in the 430Mhz range; a single channel transceiver in the 900Mhz range; a dual channel transceiver in the 900Mhz range; a spread spectrum transceiver in the 900Mhz range; a single channel transceiver in the 2.4Ghz range; a dual channel transceiver in the 2.4Ghz range; or a spread spectrum transceiver in the 2.4Ghz range. Office Notice is taken for these well-known types of transceiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the first transceiver and/or the second transceiver in Tognazzini's teaching to include as least one of these types of transceivers for better data transmission.

As to claims 50-51, Tognazzini teaches the wireless interface as discussed above. Tognazzini does not specifically teach the wireless interface is a local area network connection or a wide area network connection. Office Notice is taken for the limitations of a local area network connection or a wide area network connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the wireless interface in Tognazzini's teaching to use a local area network connection or a wide area network connection for better data communication.

As to claim 56, Tognazzini does not specifically teach the base unit is a wall mount unit. Office Notice is taken for the feature that the base unit is a wall mount unit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the base unit in Tognazzini's teaching to be a wall mount unit for stabilize the base unit.

As to claims 59-60, Tognazzini teaches using cryptographic technology for securing data communications (column 7 lines 31-44 and column 8 lines 25-29).

Tognazzini does not specifically teach data communication between said VIU and said base unit is encrypted, and data communication between said base unit and said remote location is unencrypted. Office Notice is taken regarding the well-know technology of encrypting or unencrypting data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the data communication in Tognazzini's teaching to be encrypted or unencrypted for better suit the data security concern during the transaction.

8. Claims 44 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Aguayo, Jr. et al., US 6,285,856 B1

As to claims 44 and 65, Tognazzini teaches data communication between the base unit and VIU in a remote location as discussed above. Tognazzini does not specifically teach said base unit, while in a non data communicating mode of operation with said VIU, receives a signal from said remote location and broadcasts, in response to said signal, a polling signal to said VIU, receipt of said polling signal causing said VIU, in a timely manner, to initiate a data communication session with said remote location. However, this matter is taught by Aguayo as data communication is established between central transmission/receiver unit and remote terminals, and polling signals are generated by the central transmission/receiver unit for polling particular remote terminal to determine its operational status (column 6 lines 1-13). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to allow Tognazzini's teaching to include polling signals as taught by Aguayo for better determine operational status at a remote location.

9. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Bensky et al., US 6,859,761 B2.

As to claims 45-46, Tognazzini teaches the first transceiver and the second transceiver as discussed above. Tognazzini does not specifically teach at least one of the first transceiver and the second transceiver use half duplex or full duplex. However, Bensky teaches this matter (column 6 line 66 – column 7 line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the transceivers in Tognazzini's teaching to use half duplex or full duplex as taught by Bensky for better data communication.

10. Claims 54 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Cahalan, US 4,737,967.

As to claims 54 and 66, Tognazzini teaches the VIU wirelessly programs the communication interface of the remote location (column 9 lines 6-16). Tognazzini does not specifically teach the VIU wirelessly programs the baud rate of said communication interface to match the baud rate of said remote location. However, Cahalan teaches adjusting the baud rate to match the desired baud rate (column 3 lines 3-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the VIU in Tognazzini's teaching to include the function of adjusting the baud rate to match the desired baud rate for better data communication.

11. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Johnson, US 6,804,252 B1.

As to claim 61, Tognazzini teaches data communications between VIU and the base unit at the remote location without packet level error check (abstract). Tognazzini does not specifically teach at the remote location assembles said plurality of wireless packets into a data message, said remote location error checks said data message, said remote location communicates an acknowledge or not-acknowledge, based on error check results of said data message, to said VIU by way of said base unit. However, this matter is taught by Johnson as wireless packet data communications, wherein wireless data packet is assembled into a data message, error check is performed for the message, and acknowledgement will be sent if the message is proper (column 4 lines 26-41 and column 5 lines 47-60 and column 7 lines 11-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the data communications in Tognazzini's teaching to include wherein wireless data packet is assembled into a data message, error check is performed for the message, and acknowledgement will be sent if the message is proper for enhance the communications between the VIU and the base unit.

12. Claims 62 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini, US 6,295,482 B1.

As to claims 62 and 67, Tognazzini teaches cashless transaction data and vending machine audit data is selectively data communicated to said remote location when said remote location is at least one of the following: a network center; a global

network based data processing resource; or USALIVE (column 1 line 67 – column 2 line 25 and column 3 lines 12-20). Tognazzini does not specifically teach cashless transaction data only is selectively data communicated to said remote location when said remote location is a credit bureau. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the data communications in Tognazzini's teaching to communicate to the remote location when the remote location at a desired location (i.e. a credit bureau or other desired location) for better controlling the data communication environment.

Conclusion

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-

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6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")
(571) 273-6705 (Draft Communications)


Mary Cheung
November 15, 2007

MARY D. CHEUNG
PRIMARY EXAMINER